



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

XAVIER IVAN ULLOA-LUNA(1)

Defendant.

Criminal No. 08MJ2572-BLM

DETENTION ORDER

**A. Order For Detention**

After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above named defendant detained without bail pursuant to 18 U.S.C. § 3142(e) and (i).

**B. Statement of Reasons For the Detention**

The Court orders the defendant's detention because it finds:

~~\_\_\_\_\_~~

By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.

\_\_\_\_\_

By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

C. **Findings of Fact**

The Court's findings are based on the evidence presented to the Court, including the criminal complaint and attorney proffer(s), and the information contained in the Pretrial Services Report. After considering all of the relevant information and evidence, the Court finds as follows:

(1) Nature and circumstances of the offense charged:

☒ (a) The offense charged: importation of MJ, 21 USC 952-960  
is a serious crime and carries a maximum penalty of Life imprisonment  
☒ and a mandatory minimum sentence of ten years.

☐ (b) The offense is a crime of violence.

☐ (c) The offense is a federal crime of terrorism listed in 18 U.S.C.

§2332b(g)(5)(B) for which the maximum term of imprisonment is 10 years or more.

☒ (d) The offense involves a narcotic drug.

☒ (e) The offense involves a large amount of controlled substances, to wit:

approximately 1256 Kg of MJ.

(2) Weight of the evidence against the defendant. The Court acknowledges that this is the least significant factor but finds as follows:

☒ (a) There is probable cause to believe the named defendant committed the charged offense.

☐ (b) The evidence against the defendant is strong including that \_\_\_\_\_

(3) History and characteristics of the defendant:

☐ The defendant appears to have a mental condition which may affect whether the defendant will appear.

☒ The defendant has <sup>US</sup> no limited family ties to the community.

☒ The defendant is not a long time resident of the community.

☒ The defendant does not have significant community ties.

☒ The defendant has significant family ties to Mexico.

☒ The defendant has other significant ties to Mexico.

☒ The defendant does not have steady employment in the United States.

☒ The defendant does not have substantial financial resources or assets in the United States.

☒ The defendant did not present ~~any~~ a sufficient bond proposal.

\_\_\_\_\_ Past conduct of the defendant: \_\_\_\_\_

\_\_\_\_\_ The defendant has a history relating to drug abuse.

\_\_\_\_\_ The defendant has a history relating to alcohol abuse.

\_\_\_\_\_ The defendant has a significant prior criminal record.

\_\_\_\_\_ The defendant has a prior record of failure to appear at court proceedings.

\_\_\_\_\_ The defendant has a prior record of probation, parole or supervised release violations and/or revocations.

\_\_\_\_\_ The defendant is an illegal alien and is subject to deportation.

☒ The defendant is a legal alien and will be subject to deportation if convicted. *↳ border crossing card*

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_ At the time of the current arrest, the defendant was on:

\_\_\_\_\_ Probation \_\_\_\_\_ Parole

\_\_\_\_\_ Release pending trial, sentence, appeal or completion of sentence.

(4) The nature and seriousness of the danger posed by the defendant's release are as follows: \_\_\_\_\_

1 While in custody, on order of a court of the United States or on request of an attorney for  
2 the government, the person in charge of the corrections facility shall deliver the defendant to a  
3 United States Marshal for the purpose of an appearance in connection with a court proceeding or  
4 any other appearance stipulated to by defense and Government counsel.

5 This order is made without prejudice to modification by this Court.

6 IT IS SO ORDERED.

7 Dated: 8/26/08

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9 BARBARA L. MAJOR  
United States Magistrate Judge

10 cc: District Judge  
11 All Counsel of Record  
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